

CONFIDENTIALLEGAL COOPERATION

Because of geographic proximity and other factors, U.S. and Mexican law enforcement interests will inevitably continue to affect the nature and quality of overall bilateral relations. This reality offers a challenge to our respective governments to accommodate each other's law enforcement needs as harmoniously as possible. Such accommodation can best result if each government's actions in the law enforcement field are firmly based upon the mutually shared principles of: (i) reciprocity of assistance; (ii) routine coordination and consultation between our law enforcement authorities; (iii) when necessary, conclusion of bilateral agreements and arrangements to regulate specified areas of law enforcement cooperation, and; (iv) good faith implementation of such agreements and arrangements.

The current record of U.S.-Mexican reciprocal cooperation on law enforcement matters remains good but there are some uneven elements. Legal cooperation between both countries on such areas as deportation, customs matters, and the transfer of Mexican and U.S. prisoners under the U.S.-Mexico Prisoner Transfer Treaty has been good. Our law enforcement offices in Mexico have found cooperation with Mexican authorities much more forthcoming than has been the case in recent years. In addition, on June 28 both governments exchanged instruments of ratification of the 1981 Stolen and Embezzled Vehicles and Aircraft Convention. The Convention has now officially entered into force. However, extradition and mutual legal assistance are areas where legal cooperation remains a problem for political reasons and because of differences in legal systems.

Recent efforts to reopen negotiations on a Mutual Legal Assistance Treaty with Mexico were unsuccessful because of differences in our constitutional systems (Mexico does not permit cross-examination). Instead, the GOM expressed interest in discussing an agreement for mutual legal assistance in limited areas of criminal investigations of interest to it.

Before pursuing such a limited (or narrow) agreement on criminal investigations, the Departments of State and Justice would like the GOM to consider reviewing pending overall law enforcement matters. The GOM advocates ad hoc treatment of legal issues, and while it might be open to further discussions, it has indicated that its views are generally well established.

July 30, 1983

State Dept. review completed

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DECL: OADR